

HOUSE BILL NO. 502

INTRODUCED BY B. STORY

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING HAY GRINDERS AND THEIR TOWING UNITS FROM CERTAIN ~~OPERATION AND~~ WEIGHT STANDARDS; AND AMENDING ~~SECTION~~ SECTIONS SECTION 61-10-128 AND 61-10-144, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 61-10-128, MCA, IS AMENDED TO READ:

"61-10-128. When authorities may restrict right to use roadway. (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of transportation by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of transportation or the authority that enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order, ordinance, or resolution is not effective until the signs are erected. The department of transportation or the authority by ordinance or resolution may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must be designated by appropriate signs placed on the highways.

(3) Neither the department of transportation nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

- (a) the vehicle is being operated within its legal licensed gross vehicle weight;
- (b) the driver possesses a federal-state inspection certificate issued for the load; and

(c) the vehicle takes the most direct route from the point of loading to the nearest nonrestricted road.

(4) Hay grinders and their towing units are exempt from weight limits imposed by the department of transportation under this section."

~~Section 2. Section 61-10-144, MCA, is amended to read:~~

~~"61-10-144. Violation of standards -- tolerance. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.~~

~~(2) The operator of a vehicle or combination of vehicles may move over the highways to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 7%, or 10% for garbage trucks, and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than 7%, or 10% for garbage trucks. If the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 7%, or 10% for garbage trucks, the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 7%, or 10% for garbage trucks, are subject to the fines provided in 61-10-145, and all loads in excess of 7%, or 10% for garbage trucks, of the total gross or axle weight limitations:~~

~~(a) may be required to be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing; or~~

~~(b) may be issued a permit as authorized by 61-10-141.~~

~~(3) Farm Subject to subsection (4), farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may move over a highway, except any highway that is part of the federal-aid interstate system, within a 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% for each axle, but the maximum load for each inch of tire width may not exceed 670 pounds. The farm vehicle or combination of vehicles may not exceed 40 miles an hour. A single trip~~

1 permit, as required in subsection (2), is not applicable to the farm vehicle or combination of vehicles. When
2 a farm vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or
3 penalty imposed applies to that portion of the load above the legal limit.

4 ~~———— (4) (a) Except as provided in subsection (4)(b), the allowances and restrictions provided in~~
5 ~~subsection (3) apply to hay grinders and their towing units.~~

6 ~~———— (b) Hay grinders and their towing units are exempt from the provisions of subsection (3) that~~
7 ~~restrict vehicles to operation within a 50-mile radius of the harvested field and that limit the maximum load~~
8 ~~for each inch of tire width to 670 pounds or less.~~

9 ~~———— (4)(5) For the purposes of this section, a garbage truck means only a motor vehicle operated by~~
10 ~~a Class D motor carrier, as determined and regulated by the public service commission pursuant to~~
11 ~~69-12-301(5)."~~

12 - END -